

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the)	Application No. C-4645
Application of Access One,)	
Inc. for authority to operate)	
as a resold local exchange)	GRANTED
carrier of telecommunication)	
services within the State of)	
Nebraska.)	Entered: January 7, 2014

BY THE COMMISSION:

On November 22, 2013, an application was filed by Access One, Inc. ("Access One" or "Applicant") of Chicago, Illinois, seeking authority to provide facilities-based local exchange telecommunications services in the State of Nebraska. Notice of the application was published in the Daily Record, Omaha, Nebraska, on November 28, 2013. No protests were filed; therefore, this application is processed pursuant to the Commission's Rule of Modified Procedure.

O P I N I O N A N D F I N D I N G S

Applicant is a private corporation organized and existing under the laws of the State of Illinois. Applicant has authority from the Nebraska Secretary of State to transact business as a foreign corporation. No officers, directors, or shareholders having five percent or more of Applicant's voting securities, nor any of Applicant's business operations have been involved in a formal complaint or other investigatory or enforcement proceeding commenced within the last two (2) years.

Applicant has received authority to provide local exchange telecommunications services in approximately 19 states plus the District of Columbia. Access One has not been denied authority to operate in any state. Access One currently holds authority to provide interexchange telecommunications services in Nebraska.

Applicant seeks authorization to provide resold and facilities-based local exchange service to business customers, including but not limited to: local exchange services for business customers that will enable customers to originate and terminate local calls in the local calling area served by Applicant as well as other LECs; switched local exchange services such as flat-rates and measure-rated local services vertical services, direct inward and outward dialed trunks, carrier access, public and semi-public coin telephone services and any other switched local services that currently exist or will exist in the future; and non-switched local services.

Applicant proposes to provide local exchange services in the service territories of Qwest.

Applicant will not require advance payments or deposits. Applicant states it will adhere to all state laws and all Commission policies, rules, and orders.

In support of its managerial and technical fitness Applicant provided a description of the background and experience of its current management team. Copies of Applicant's independently-prepared financial statements for the last three full years of operation, as well as internally-prepared interim statements for 2010, were provided with the Application.

Applicant states a grant of this application will serve the public interest because the public will benefit from greater consumer choice created through the broadening of innovative telecommunication service alternatives and ongoing affordable rates maintained by the additional competitive pressure placed on other competitors.

The Commission considers this application for authority in light of the following criteria and standards established in the Commission's telecommunications rules:

- (a) Whether the Applicant has provided the information required by the Commission;
- (b) Whether the Applicant has provided a performance bond, if required;
- (c) Whether the Applicant possesses adequate financial resources to provide the proposed service;
- (d) Whether the Applicant possesses adequate technical competence and resources to provide the proposed service;
- (e) Whether the Applicant possesses adequate managerial competence to provide the proposed service; and
- (f) Whether granting the Applicant a certificate preserves and advances universal service, protects the public safety and welfare, ensures the continued quality of telecommunications services and safeguards the rights of consumers, pursuant to Section 253(b) of the Act.

Applicant has demonstrated that it meets the standards of financial, technical, and managerial competence and all other

criteria necessary to provide local exchange services in the State of Nebraska.

These opinions and findings carry no precedential value other than establishing minimum standards and criteria to apply when considering applications to provide local exchange services. All telecommunications carriers seeking such a certificate must demonstrate that they meet, at a minimum, the standards and criteria set forth herein.

Before the Applicant is allowed to provide local exchange service to its users, it must either:

1. Through negotiation or arbitration, reach an interconnection/resale agreement with the pertinent incumbent local exchange carrier and receive Commission approval of the interconnection/resale agreement; or
2. In the event a certified local exchange carrier provides a wholesale tariff, purchase rates from that tariff, file its own tariff and receive Commission approval of its tariff.

This order does not terminate, waive or in any manner diminish the exemptions and protections created by the Act for rural carriers, as defined by the Act. This order does not address the issue of the rural local exchange carrier exemption under the Act. Rural exemptions may be terminated, suspended or modified only as provided in Section 251(f) of the Act.

Prior to providing service in any area in the State of Nebraska, Applicant must file tariffs in accordance with the provisions of Section 002.21 of the Neb. Admin. R. & Regs. Title 291, Ch. 5.

Upon the offering of local exchange services in the State of Nebraska, Applicant would be subject to the same laws, rules and regulations, both federal and state (including any laws, rules or regulations regarding universal service, restrictions on joint marketing and quality of service), applicable to any other local exchange company except those obligations imposed on ILECs pursuant to Section 251(c) of the Act.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-4645 be, and hereby is, granted.

IT IS FURTHER ORDERED that Applicant is obligated to abide by the same laws, rules and regulations, both federal and state (including any laws, rules or regulations regarding universal service, restrictions on joint marketing and quality of service), applicable to any other local exchange carriers, except obligations imposed on incumbent local exchange carriers pursuant to Section 251(c) of the Act.

IT IS FURTHER ORDERED that, to the extent Applicant provides access line service as referenced in the Telecommunications Relay System Act, Neb. Rev. Stat. §§ 86-301 through 86-315 (Relay Act) and defined in Neb. Admin. R. & Reg. Title 291, Ch. 5 § 001.01B, the Applicant shall collect from its subscribers a surcharge (Relay Surcharge) pursuant to the relay act and the Commission's annual orders establishing the amount of the surcharge, and shall remit to the Commission the proceeds from the relay surcharge as provided by the Relay Act.

IT IS FURTHER ORDERED that the Applicant comply with all necessary statutes and Commission Rules and Regulations as they pertain to the Nebraska Universal Service Fund.

IT IS FURTHER ORDERED that Applicant shall file, in accordance with the applicable statutes, on or before April 30 of each year, an annual report with the Commission consisting of: (a) a copy of any report filed with the Federal Communications Commission; (b) a copy of any annual report to stockholders; and (c) a copy of the latest Form 10-K filed with the Securities and Exchange Commission. If such reports are unavailable, Applicant shall file a balance sheet and income statement for the previous year of operation, and for the State of Nebraska on a combined interstate-intrastate basis, the investment in the telephone plant and equipment located within the state, accumulated depreciation thereon, operating revenues, operating expenses and taxes.

IT IS FURTHER ORDERED that within 30 days from the entry of this order that the Applicant file a tariff and pay appropriate filing fees with the Commission as required by state statutes and the Commission's regulations.

IT IS FINALLY ORDERED that this order be, and hereby is, made the Commission's official Certificate of Public Convenience and Necessity to the Applicant to provide resold local exchange telecommunications services in the State of Nebraska.

MADE AND ENTERED at Lincoln, Nebraska, this 7th day of
January, 2014.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Vice Chair

ATTEST:

Executive Director

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MADE AND ENTERED at Lincoln, Nebraska, this 7th day of
January, 2014.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Tim Schram

Tim Lunds
Vice Chair

Dee Jensen

Gerald L. Voss

//s//Frank E. Landis

ATTEST:

Steve Meratith
Executive Director